

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAR 16 2001

**Clerk, U.S. District Court
District of Columbia**

CLYDE HARGRAVES, *et al.*,

Plaintiffs,

v.

Civil Action No. 98-1021 (JHG)

CAPITAL CITY MORTGAGE CORP.,
et al.,

Defendants.

ORDER

Plaintiffs Nancy Hilliard and Angela Birth have filed a motion to modify the preliminary injunction issued by this Court on February 18, 1999 which stayed foreclosure on their property prior to the entry of final judgment in this case. In similar motions filed on June 19 and September 1, 2000 Hilliard and Birth asked the Court to lower the payments due under that preliminary injunction, and those motions were denied.

The present motion requests relief based on Hilliard and Birth's inability to pay, the circumstances surrounding the loan origination, and the likelihood that they will succeed on the merits of their claim. Since denying the plaintiffs first motion to modify the preliminary injunction, the Court has had the opportunity to more fully explore the facts of this case, and, as plaintiffs note in their motion, the plaintiffs have survived summary judgment. But, at this juncture, the Court is not prepared to modify the

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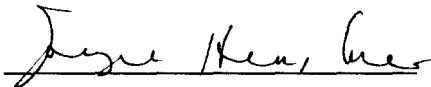
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injunction based on a prediction of the plaintiffs' ultimate success in this case. While the Court is sympathetic to the difficult financial situation the plaintiffs confront, plaintiffs' ongoing financial distress does not alter the balance of factors which initially gave rise to the preliminary injunction. The February 18, 1999 Order will remain in effect. It is therefore

ORDERED that Angela Birth and Nancy Hilliard's motion to modify the Court's preliminary injunction order is denied.

IT IS SO ORDERED.

March 16, 2001


JOYCE HENS GREEN
United States District Judge